

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

DEAN CATLIN METCALFE,

Defendant-Appellant.

UNPUBLISHED

May 7, 1999

No. 207045

Muskegon Circuit Court

LC No. 97-140930 FC

Before: Kelly, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Defendant pleaded nolo contendere to first-degree criminal sexual conduct, MCL 750.520b(1)(a); MSA 28.788(2)(1)(a), and received a life sentence. Defendant appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not abuse its discretion when it denied defendant's motion to withdraw his plea. *People v Haynes (After Remand)*, 221 Mich App 551, 558; 562 NW2d 241 (1997). The fact that defense counsel failed to inform defendant of the sentencing guidelines recommended range before defendant entered his plea does not render defendant's decision to plead an uninformed decision. A guidelines range had not been calculated by the trial court at the time defendant entered his plea and the trial court was under no obligation to score the guidelines before defendant entered his plea, MCR 6.425(D)(1), or even to adhere to the guidelines range once calculated, *People v Mitchell*, 454 Mich 145, 175; 560 NW2d 600 (1997). Most importantly, however, the guidelines were of no importance to defendant where defendant pleaded with knowledge that the trial court intended to impose a life sentence upon defendant's plea-based conviction. Our review of the record indicates that defendant's plea was entered voluntarily and understandingly. *People v Corteway*, 212 Mich App 442, 445; 538 NW2d 60

(1995). Moreover, because defendant's plea was voluntarily and understandingly entered, defendant's claim of ineffective assistance of counsel claim fails. *Id.*

Affirmed.

/s/ Michael J. Kelly

/s/ Janet T. Neff

/s/ Michael R. Smolenski